

Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

CHAPTER 13 PLAN-MODIFIED

In re:

Samantha Lorrae Kluver
Kasey Alan Kluver

Dated: **February 9, 2017**

DEBTOR

Case No. **15-60519**

*In a joint case,
debtor means debtors in this plan.*

1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- As of the date of this plan, the debtor has paid the trustee \$ **10,225.00** .
- After the date of this plan, the debtor will pay the trustee \$ **425.00** per **Month** for **45** months, **beginning February 2017**, for a total of \$ **19,125.00** . The minimum plan payment length is ___ 36 or **X** 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- The debtor will also pay the trustee ___
- The debtor will pay the trustee a total of \$ **29,350.00** [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ **2,935.00** , [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

	Creditor	Monthly Payment	Number of Months	Total Payments
a.	Citizens Ntl Bk	\$		\$ *237.00
	Gateway One Lending & Finance	\$		\$ **142.00
b.	Finance	\$		\$ **142.00
c.	TOTAL	\$		\$ 379.00

***Paid Citizens National Bank: \$237.00**

****Paid Gateway One Lending & Finance: \$142.00**

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor
-NONE-

Description of Property

5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor

Description of Property

a. **Russell Cordie**

**Debtor's Residence: Homestead Real Property
Located at 155 4th Ave N, Waite Park, MN, Single
Family Residence Legally Described as: SEE
ATTACHED EXHIBIT A**

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. **All following entries are estimates.** The trustee will pay the actual amounts of default.

	Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a.	-NONE-	\$	\$			\$
	TOTAL	\$	\$			\$ 0.00

7. **CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)]** — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-	\$		\$		\$	
a. TOTAL						0.00

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)]** — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	Claim Amount	Secured Claim	Int. Rate	Beg. in Mo. #	(Monthly Pmnts)	(No. of Pmnts)	=	Pmnts on Account of Claim	+	(Adq. Prot. from ¶ 3)	=	TOTAL PAYMENTS
a. Citizens Ntl Bk	\$ 11,729.00	\$ 11,729.00	5.25	1	\$ 226.27	45		\$ 13,124.14		\$ 237.00		\$ *13,361.14
b. Gateway One Lending & Finance	\$ 7,105.00	\$ 7,105.00	5.25									\$ **1,476.46
c. TOTAL												\$ 14,837.60

*Paid Citizens National Bank: \$2,942.29

**Paid Gateway One Lending: \$1,476.46

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 3,475.00				\$ *3,475.00
b. Attorney Fees (Post)	\$ 750.00	\$ 150.00	1	5	\$ 750.00
c. Internal Revenue Service	\$ 1,955.92	\$ Pro rata	Pro rata	Pro rata	\$ **1,955.92
d. Minnesota Dept of Revenue	\$ 1,367.54	\$ Pro rata	Pro rata	Pro rata	\$ ***1,367.54
e. State of North Dakota	\$ 1.00	\$ Pro rata	Pro rata	Pro rata	\$ 1.00
f. TOTAL					\$ 7,548.46

*Paid Attorney Fees: \$3,475.00

**Paid Internal Revenue Service: \$225.63

***Paid MN Dept of Revenue: \$157.77

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: **-NONE-**
The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
-NONE-						\$
a. TOTAL						0.00

11. TIMELY FILED UNSECURED CREDITORS — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 4,028.94 [line 1(d) minus lines 2, 6(a), 7(a), 8(b), 9(e) and 10(a)].

- a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00 .
- b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 14,372.21 .
- c. Total estimated unsecured claims are \$ 14,372.21 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS —

Student Loans: Student loan creditors will receive pro rata distributions.

Gateway One Lending & Finance: Vehicle was totaled. Insurance company to pay creditor direct.

Citizen's National Bank: Creditor(s) will release liens upon payment of the secured portion of the creditor's claim and debtor's discharge.

Claims filed as secured but for which the plan makes no express provision shall be paid as unsecured claims as set forth in Paragraph 11 above.

A proof of claim may be filed by the Internal Revenue Service (IRS) for a claim against the debtor(s) for taxes that become payable to the IRS post-petition, limited to only the tax year for which the bankruptcy case was filed. The trustee shall pay such claim as submitted as funds are available pursuant to 11 U.S.C. Statute 1305.

The debtor shall send the Trustee each year during the Chapter 13 Plan, copies of his/her federal and state income tax returns at the time they are filed. If the debtor receives a refund from the federal taxing agency but owes the state taxing agency (or vice-versa), the debtor will net the two out and pay the trustee the amount over \$1,200 for a single filer, or \$2,000 for a joint filer (not including any Earned Income Credit or Working Family Credit). Any additional amounts shall be turned over to the Chapter 13 trustee as additional plan payments.

Late filed claims are subject to objection per 11 U.S.C. §502(b)(9).

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$	2,935.00
Home Mortgage Defaults [Line 6(a)]	\$	0.00
Claims in Default [Line 7(a)]	\$	0.00
Other Secured Claims [Line 8(c)]	\$	14,837.60
Priority Claims [Line 9(e)]	\$	7,548.46
Separate Classes [Line 10(a)]	\$	0.00
Unsecured Creditors [Line 11]	\$	4,028.94
TOTAL [must equal Line 1(d)]	\$	29,350.00

Insert Name, Address, Telephone and License Number of Debtor's Attorney:

Wesley W. Scott 0264787
Kain & Scott, PA
13 7th Avenue South
St. Cloud, MN 56301
320-252-0330
0264787

Signed /s/ Samantha Lorrae Kluver
Samantha Lorrae Kluver
DEBTOR

Signed /s/ Kasey Alan Kluver
Kasey Alan Kluver
DEBTOR (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Samantha Lorrae Kluver
Kasey Alan Kluver,

Bky. Case No. 15-60519
Chapter 13

Debtors.

UNSWORN CERTIFICATE OF SERVICE

I, Sonja K. Quaintance, declare under penalty of perjury that on February 9, 2017 she caused to be served the Notice of Hearing and Motion, Memorandum in Support of Debtor's Motion for Post-Confirmation Modification and Modified Chapter 13 Plan via the CM/ECF system to those parties requesting electronic notification and upon all parties in interest at the addresses set forth in the exhibit which is attached hereto, by first class mail.

Dated: February 9, 2017

/e/ Sonja K. Quaintance
Sonja K. Quaintance
Kain & Scott, P.A.

ACI
PO BOX 717
GETZVILLE NY 14068

AFNI
404 BROCK DRIVE
PO BOX 3517
BLOOMINGTON IL 61702-3517

AMERICAN ACCOUNT & ADVISERS, I
7460 80TH STREET SOUTH
COTTAGE GROVE MN 55016

AR AUDIT SERVICES
3921 LOCKPORT ST SUITE 1
PO BOX 6177
BISMARCK ND 58506-6177

BANK OF ND STUDENT LOAN SVCS
PO BOX 5509
ATTN: BANKRUPTCY
BISMARCK ND 58506

BC SERVICES/COLLECTION AGENCY
ATTN: BANKRUPTCY DEPARTMENT
PO BOX 1317
LONGMONT CO 80502

BUSINESS REVENUE SYSTEMS
2419 SPY RUN AVENUE
FORT WAYNE IN 46805-3258

CAPITAL ONE
ATTN: BANKRUPTCY
PO BOX 30285
SALT LAKE CITY UT 84130

CENTER FOR DIAGNOSTIC IMAGING
PO BOX 1450 NW 5076
MINNEAPOLIS MN 55485-5076

CENTRACARE
1200 6TH AVENUE NORTH
SAINT CLOUD MN 56303

CITIFINANCIAL/ONEMAIN
CITIFINANCIAL INC.
POB 140489
IRVING TX 75063

CITIZENS NTL BK
PO BOX 231
PARK RAPIDS MN 56470

CREDIT ONE BANK NA
PO BOX 98873
LAS VEGAS NV 89193

DCI CREDIT SERVICES
1406 2ND ST NW STE 400
MANDAN ND 58554

DEPARTMENT OF EMPLOYMENT
& ECONOMIC DEVELOPMENT
PO BOX 4629
SAINT PAUL MN 55101

DEPT OF EDUCATION/NELN
121 S 13TH ST
LINCOLN NE 68508

DYNAMIC RECOVERY SOLUTIONS
PO BOX 25759
GREENVILLE SC 29616

ECMC
PO BOX 16408
ST. PAUL MN 55116

ENHANCED RECOVERY CORP
ATTENTION: CLIENT SERVICES
8014 BAYBERRY RD
JACKSONVILLE FL 32256

GATEWAY ONE LENDING & FINANCE
1601 RIVERVIEW DR STE 100
ANAHEIM CA 92808

GATEWAY ONE LENDING & FINANCE
PO BOX 650004
DALLAS TX 75265

HEALTH PARTNERS
2251 CONNETICUT AVES
SARTELL MN 56377

HJORT CHIROPRACTIC
DIVISION ST
SAINT CLOUD MN 56303

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY
PO BOX 7346
PHILADELPHIA PA 19101

INTERSTATE CREDIT
11300 MINNETONKA MILLS RD
HOPKINS MN 55305

JOB SERVICE OF NORTH DAKOTA
3416 N BROADWAY
MINOT ND 58703

MINNESOTA DEPT OF REVENUE
PO BOX 64649
SAINT PAUL MN 55164-0649

NAVIENT
PO BOX 9655
WILKES-BARRE PA 18773

RANDY R. SCHREIFELS
PO BOX 728
SAINT CLOUD MN 56302

RELIANCE RECOVERIES
PO BOX 29227
MINNEAPOLIS MN 55429

RIVERVIEW LAW OFFICE
PO BOX 570
SAUK RAPIDS MN 56379-0570

RUSSELL CORDIE
31162 CHOKE CHERRY RD
BURTRUM MN 56318

STATE OF NORTH DAKOTA
600 E BOULEVARD AVENUE
BISMARCK ND 58505

U S DEPT OF ED/FISL/SF
BANKRUPTCY UNIT
PO BOX 65128
ST. PAUL MN 55165

UNIVERSITY OF PHOENIX
4025 S RIVERPOINT PARKWAY
PHOENIX AZ 85040

REVISED 12/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re

Samantha Lorrae Kluver
Kasey Alan Kluver
Debtor(s).

Case No. 15-60519

SIGNATURE DECLARATION

- ☐ PETITION, SCHEDULES & STATEMENTS
☐ CHAPTER 13 PLAN
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS
☒ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS
☒ MODIFIED CHAPTER 13 PLAN
☒ OTHER (PLEASE DESCRIBE: MOTION TO MODIFY POST-CONFIRMATION CHAPTER 13 PLAN)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. [Individual debtors only] If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 2-7-17

x


Signature of Debtor 1 or Authorized Representative

Samantha Lorrae Kluver
Printed Name of Debtor 1 or
Authorized Representative

x 
Signature of Debtor 2

Kasey Alan Kluver
Printed Name of Debtor 2